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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,181	03/24/2004	John O'Donnell	702474.0077	4571

7590
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Suite 700
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McLean, VA 22102

11/29/2005

EXAMINER

KASENGE, CHARLES R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,181

Applicant(s)

O'DONNELL ET AL.

Examiner

Charles R. Kasenge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 and 24 is/are allowed.
- 6) ☒ Claim(s) 14-23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kramer et al. U.S. Patent 6,757,591. Regarding to claims 14 and 25, Kramer discloses a method for determining optimal dispatch schemes for an onsite power generation arrangement having at least one available energy generation unit, comprising the steps of: determining an onsite generation requirement (col. 1, lines 61-66); configuring said arrangement for operation (col. 2, lines 8-22); determining whether said arrangement is grid-connected or grid-isolated (col. 3, lines 45-49); and periodically determining an optimal economic operating point for said arrangement (col. 4, lines 3-7).

Regarding claims 15-20, Kramer discloses the method of claim 14 wherein, upon determining said arrangement to be grid-connected, determining whether generation for said arrangement has been contracted for export (col. 3, lines 45-49). Kramer discloses the method of claim 15 wherein, upon determining said arrangement to be contracted for export, determining a reserve margin (col. 3, lines 45-49). Kramer discloses the method of claim 14 including the step of equalizing the operations hours of the at least one available unit (col. 8, lines 63-67). Kramer discloses the method of claim 14 including the step of receiving part load efficiency information from said arrangement (col. 6, lines 29-41). Kramer discloses the method of claim 14 including

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the step of adjusting said optimal economic operating point based on a de-rating of said at least one available unit (col. 4 and 5, lines 59-67 and 1-8). Kramer discloses the method of claim 16 wherein said reserve margin is determined based on a forecasted load and including the step of establishing an available capacity based on said reserve margin (col. 3, lines 45-49).

Regarding claims 21-23, Kramer discloses the method of claim 14 wherein said optimal economic operating point is determined based on a periodic time resolution (col. 4, lines 3-7). Kramer discloses the method of claim 14 wherein said optimal economic operating point is determined based on at least one of: fuel cost, load management options, part load efficiency curves, unit availability (col. 9, lines 8-21). Kramer discloses the method of claim 14 wherein said step of configuring said arrangement includes the steps configuring at least one site parameter taken from the group consisting of: default operational mode, load following requirement, electric rates, fuel costs, reserve margin, thermal or electric dispatch, n-1 requirement (col. 9, lines 8-21); and configuring at least one unit parameter taken from the group consisting of: optimal electric capacity value, maintenance cost, maintenance interval, overhaul cost, overhaul interval, startup cost, shutdown cost (col. 6, lines 29-41).

Allowable Subject Matter

3. Claims 1-13 and 24 are allowed.

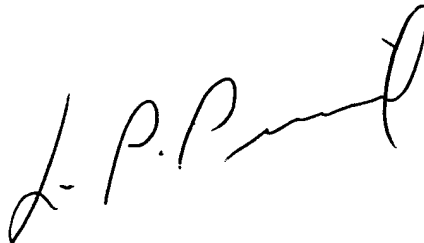
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK
November 25, 2005

A handwritten signature in black ink, appearing to read 'L. P. Picard', with a stylized flourish at the end.

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**